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BRIGHAM CITY PLANNING COMMISSION MEETING TUESDAY, MAY 20, 2008 – 6:30 PM BRIGHAM CITY COUNCIL CHAMBERS

PRESENT: Joan Peterson Chairperson
Barbara Poelman Vice Chairperson
Deon Dunn Commissioner
Roger Handy Commissioner
Reese Nielsen Commissioner

ALSO PRESENT: Jared Johnson Community Development Manager
Jeff Leishman Associate Planner
Eliza McGaha Secretary

EXCUSED: Lynda Berry Commissioner
Paul Fowler Commissioner
Delwin Lee Alternate
Ruth Jensen City Council Liaison
Paul Larsen Economic Development Director (Acting City Planner)

AGENDA:

WORK SESSION – AGENDA REVIEW

REGULAR MEETING

PLEDGE OF ALLEGIANCE

APPROVAL OF WORK SESSION MINUTES AND REGULAR MEETING MINUTES

PUBLIC COMMENT ¹ (*Per Utah Code, will receive input only, no decision can be made*) for items not listed on the agenda.

PUBLIC HEARING ² / APPLICATION #3021 / CONDITIONAL USE PERMIT FOR “ESSENTIAL FACILITIES” 345KV TRANSMISSION LINE / ROCKY MOUNTAIN POWER

APPLICATION #2383 / REQUEST FOR REVIEW OF CONDITIONAL USE PERMIT #2383 / 1047 WEST 600 NORTH / LLOYD MCNEELY & JOYCE WILEY

APPLICATION #3023/ CONDITIONAL USE PERMIT – HOME OCCUPATION – BREEDING OF DOGS / 477 NORTH 300 WEST / CHRISTIAN SUTCH

DISCUSSION:

REGULAR MEETING:

Ms. Peterson opened the regular meeting at 6:30 p.m. Mr. Nielsen led the Pledge of Allegiance.

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APPROVAL OF WORK SESSION MINUTES AND REGULAR MEETING MINUTES:

In regards to the May 06, 2008 work session minutes, line 90, the word 'populous' should be changed to the word 'Populus'.

MOTION: A motion was made by Roger Handy to approve the work session minutes of May 06, 2008 as amended. The motion was seconded by Barbara Poelman and passed unanimously.

In regards to the May 06, 2008 regular meeting minutes, line 137, the word 'populous' should be changed to the word 'Populus'. On line 253, the word 'is' should be changed to the word 'it'.

MOTION: A motion was made by Barbara Poelman to accept the regular meeting minutes of May 06, 2008 as amended. The motion was seconded by Deon Dunn and passed unanimously.

PUBLIC COMMENT (*Per Utah Code, will receive input only, no decision can be made*):

There was no public comment.

PUBLIC HEARING / APPLICATION #3021 / CONDITIONAL USE PERMIT FOR "ESSENTIAL FACILITIES" 345kV TRANSMISSION LINE / ROCKY MOUNTAIN POWER:

MOTION: A motion was made by Barbara Poelman to reopen the public hearing for application #3021. The motion was seconded by Deon Dunn and passed unanimously.

Jim Buchanan, Brigham City Director of Emergency Services, came forward and stated that he is representing Brigham City Corporation. There are several issues that keep coming up with this and he wanted to make sure they were on record with the Planning Commission. Currently, Brigham City owns, has plans, and is in the process of developing springs and wells in the area where this proposed utility corridor is going to be constructed. These are being developed, in the northeast section, for the future growth of the city. The City's concerns are what will the blasting and/or drilling do to the springs and how that will impact future reservoirs that are being proposed for that area of the city. There are also concerns for the well source protection zones in that area that need to be addressed.

Mr. Buchanan continued by stating that the northern section of the Wasatch Fault runs directly behind the homes on Highland and it has been well documented and talked about that it is over due. How far over due is the science that they have yet to come up with an answer. He said some people estimate that the northern section, the Brigham City section, of the Wasatch Fault is 1300 years past due for some type of movement. Over the past three weeks, the State of Utah has been up and has dissected the Wasatch Fault; the Brigham City section just north of 1500 North. Upon the official discovery, they have been able to indicate, through the movements of the earth, that over a period of time, of which they are currently unable to tell whether it happened 200 years or 2,000 years ago, Brigham City experienced two large earthquakes. He explained that in order to crack the surface of the earth with an earthquake, there must be a fault line and there must be enough magnitude ranging 6.5 on the Richter Scale in order to crack the crust of the earth. The displacement on the Wasatch Fault that was dug above 1500 North shows a displacement of 12-feet on both of the quakes that occurred some time in the past history which is a great concern to the gentlemen who are digging in the trench and a greater concern to him as he is responsible for the 19,000 people that live in Brigham City. It will take over one year for them to determine, by carbon dating, when the last fault actually moved. The other thing that came to light with the dissection of the fault is most of the conclusions have been based on there being only one fault, the Wasatch Fault. In this cross-section

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they found four additional faults that run off the Wasatch Fault. He asked if that increased or decreased the potential and stated that it was unknown.

The Brigham City section of the Wasatch Fault has a 16.5 percent probability of having a major earthquake within the next 100 years. As each year passes and an earthquake does not happen that percentage increases. What will the construction and the blasting do to that fault? He reiterated that we are dealing with a science that no one has the answers to. He asked if it was better to avoid the fault risk by avoiding the fault altogether and finding an alternative way of running this power line. The Brigham City Council has passed a resolution encouraging the seeking of an alternative route. Brigham City is also joined by the Mayors from the Box Elder County Mayors Association in encouraging the seeking of alternate routes.

Mr. Buchanan said from Brigham City's standpoint, that they appreciate the willingness to have a dialog with Rocky Mountain Power (RMP) and asked for that to continue and to continue to research and look for alternate routes. He said the City realizes that not everyone is going to be happy but feels the dialog needs to continue. In closing, Mr. Buchanan said he would like to know what mitigation issues RMP will be taking for the potential damage to the hill side from blasting and the construction roads, and what mitigation issues they are going to put in there to avoid the possibility of losing that power line due to wild fires as were lost two years ago in the 1100 South corridor. Those are just minor issues that need to be addressed before he can feel comfortable that this power line should proceed.

Mr. Nielsen asked Mr. Buchanan who came to do the study. Mr. Buchanan replied that it was the U.S. Geological Survey (USGS). Ms. Poelman asked if it was 2,000 years ago. Mr. Buchanan said they could not tell but it has been estimated that the Brigham City section is 1300 years past due. He said that no one knows how they arrived at that. They are carbon dating the section they dug through, which takes about a year to get the information back. There are definite indications that Brigham City has had two major earthquakes rating 7 on the Richter Scale and probably higher in order to have that displacement. The other issue that they brought up is in looking directly above where the power line is going; there are a lot of boulders that are bigger than homes up there. What will the blasting do to those? The study was done in the past three weeks and they are in the process of closing up the trench.

Mr. Nielsen asked Mr. Buchanan what caused the USGS to come in and do the fault dissection. Mr. Buchanan replied that currently in the State of Utah, the north section of Brigham City is number one in the State for being over due and the West Valley Fault is second. Money is appropriated each year to explore the various faults to carbon date when they have moved, which is an ongoing process. They will be working within the next three weeks on the Perry/Willard city limit line. They are going to dig across that section of the fault because the one on 1500 North and the one on 2000 North are different and they thought they were the same. They are waiting to see if the Perry/Willard fault runs along the same lines or if it is also different. There has been a lot of misinformation as to what exactly those faults are out there.

Mr. Handy asked Mr. Buchanan if the elected City officials asked him to make this presentation. Mr. Buchanan replied that he is the Acting City Administrator for the week and the City Administrator asked him to make this presentation.

Mr. Johnson explained that he gave the Commission a list of questions that have come through the Community Development office and also to RMP. He said as he reviewed those questions, he noted there is one that was missing. He would like to add a question from the Brigham City Airport Manager regarding the height of the poles and the requirements for airspace and the poles inside the transition zones, the conical zones and the approach zones of the airport and the exact location of

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where the poles will be, including the discussions RMP has had with the FAA concerning the crossing of the canyon and the location of those poles to the airport.

Mr. Nielsen asked if RMP had a chance to look through all the questions Staff had and had time to address them all or if it would be prudent to close the public hearing to reopen it in two weeks when they indicated they would like to come back. Ms. Peterson commented that RMP had some people present specifically to address some of those questions and said they should be heard in hopes to resolve some of those questions.

Steve Rush, Rocky Mountain Power, said he believed they could answer a number of those questions. He asked Bruce Jensen to come forward to answer the seismic questions.

Bruce Jensen, Operations Manager for Rocky Mountain Power, came forward. He said the specific question he is to answer deals with seismic activity, earthquakes, and will also hit on wildfires. He said one of the items that was utilized in the siting of the facility was a map, which he presented, of natural hazards showing the potential faults. With the preliminary engineering on this project they had the geotechnical study which identified the fault lines and the potential for a fault and the type of fault based on the soil conditions. They feel the Wasatch Fault will be something where the ground shifts. One thing with the transmission line structures is they are not typically as susceptible to this earthquake loading. The seismic loading, that these structures are designed for, is less than the wind loading so, generally speaking, they are not affected by earthquakes. They are very flexible; they move, the wires move and the insulators move so, typically, there are no failures due to earthquakes unless some other structure falls into the facilities. Mr. Jensen commented that when California had a big earthquake about 20-years-ago, there were about two structures where there were actual failures; one of them was a very rigid structure in a substation and another was a line structure. Earthquakes typically are not a significant threat to these structures.

Mr. Rush commented that one of the interesting things they were made aware of through the geotech study was liquefaction; which is a much bigger impact than being in a fault area with rock. Mr. Jensen affirmed Mr. Rush's statement and added as the earth starts to move, depending on the soil type, liquefaction is a stronger force on structures. The soils actually become somewhat softer when they are shaking, everything starts to move and the soil becomes very weak and is a larger factor than just the fault that is typical along the Wasatch. He said the map shows the liquefaction zones for the high and medium liquefaction potentials and was taken into account in the design. Mr. Jensen pointed out the liquefaction areas on the map and where the lines would be. He said the foundations will be designed to accommodate any of the earthquake loading that is on the geotechnical study. He said they do not believe that is a significant factor for the lines. Ms. Poelman asked if they had been able to assimilate any of the information that Mr. Buchanan stated had been shown this past week. Mr. Jensen replied that they had not.

Ms. Dunn asked about the installation of the poles including the drilling, blasting and whatever they need to do and the depth they will go. Mr. Jensen replied that he did not know if the final design was complete in this area. He said what they think will be the typical construction technique is a drilled-in-place reinforced concrete pier. With today's current equipment, they can typically drill those holes. There may be some cases where there will be blasting but the intent is that they think most of them can be drilled. Ms. Dunn asked what impact that would have on the fault lines. Mr. Jensen said they believed there would be none. He said there is already a lot of surface disturbance in this area with the gravel pits that have cuts that are significantly deeper than what he believes they will have for their foundations. The foundations will vary with typical depths and will be site specific but they will be 30 to 60-feet deep with some possibly deeper. Mr. Jensen said they do not anticipate a lot of explosive use as some of today's current equipment can dig into rock.

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Ms. Poelman asked about the effect to the springs and wells in the area. Mr. Jensen replied that he did not know specifically where they are located but with a map they could take a look at those and see exactly where they sit in relation to their proposed line and structure locations. They have not been identified. Mr. Rush stated that their poles are going to be spaced 700, 800 and 900-feet apart. They have the ability to move them significantly in line. They can certainly work with the City to identify where well sites and other objects are and they can work to accommodate that. He said they would take a look at it. They have the ability to move things.

Ms. Dunn asked how many feet beyond the existing homes they would be going. Mr. Jensen said they had the proposed alignment shown on the map. Their right-of-way is 150-foot-wide with the power line proposed centerline in the center of that 150-foot-wide right-of-way. There would be at least 75-feet to any home. Mr. Mills added that would be the minimum in a situation where they would actually have the right-of-way abutting a home. In looking at the maps, he said he thought there were maybe three or four homes, along the entire length of the route on the bench, where the right-of-way may be near a home but in most cases it is on the uphill side of the existing 138kV. In a lot of situations in Brigham City that 138kV line is the development limit line, therefore there is no more development that can occur, that they understand, above that 138kV line. This new 345kV line through Brigham City, for the most part with the exception just on the south side of Sardine Canyon, would be quite a distance away from the existing homes. Mr. Mills said he would have to look at specific areas to give exact distances. Mr. Rush said there is already an existing transmission line and the new line is east of the existing line so it would be no closer to the existing homes than that line already is.

Mr. Nielsen asked if that line ran along the mountain down to Willard and where it goes from that point and how it gets to the Ben Lomond Substation. Mr. Mills explained that once it meets up with the existing transmission lines, that are coming from the east, it will parallel the 230kV lines. It runs east of Rocky Point. The intent is to run the new line east of and parallel to the existing 138kV line. Mr. Rush said the reason they are building next to the 138kV line and not next to a 345kV line is because the 138kV line serves a totally different purpose. It is a transmission voltage that comes out of Ben Lomond Substation back to the north and feeds existing substations throughout Box Elder County. The 345kV line is backbone transmission coming from the power plants. Mr. Rush commented that they both serve two totally different purposes just like having the interstate next to a collector road. They are compatible but the risks are not the same as having the two 345s together.

Ms. Dunn asked, when those two types of lines are compared, if the numbers represent the volts. Mr. Rush replied that there are 138,000 kilovolts (kV). The purpose for going higher voltage when going long distances is that with electricity there are losses along the line. That can be seen in long runs in a home or a big extension cord. When the voltage is taken higher, it allows the amperage to stay lower; it has the same amount of energy going across but you can go bigger distances. All transmission lines are always high voltage; current is 345,000 volts or 500,000 volts, which is what the industry is now using. In the local area, the equipment that has to be used to step it down to get it into a home is prohibitive on cost so they go with 138,000 volts. Ms. Dunn commented that when looking at that in comparison to the lines that already exist, the impact on the houses is really great because of the higher voltage. Mr. Rush disagreed and said he thought that may be tied to the electromagnetic field and safety. He said they had an expert with them and deferred to her and invited her to the table. Mr. Jensen finished up by saying in regards to wildfire; these structures will be steel and will not be bothered by wildfires as was the existing wood line. As was mentioned earlier, they did lose some structures on the existing wood line. They have the 46,000 volt line and the 138 line on that fire 2-years-ago in which they did lose structures and the crew worked all night on restoration. The steel structures will not burn down. Ms. Poelman mentioned smoke being a factor in bothering the power lines. Mr. Jensen said that an outage could be caused by smoke but the lines would not fall down due to the smoke. The existing facilities are designed for the wind and the new facilities will be designed for an even higher wind load. Mr. Rush added that the design criteria used

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to be 100mph but they are designing for 110mph in the canyon areas. The new line will be approximately 70-feet east of the existing line. Mr. Nielsen asked if the existing line was near the western edge of their right-of-way. Mr. Rush said it should be at the center of the existing right-of-way. Mr. Mills said there would be a slightly shared right-of-way through that area. The existing right-of-way on the 138kV line is about 50-feet so there would be a 70-foot offset from the 345kV line from the 138. In that particular case, the overall right-of-way would be slightly narrower than the full 150-feet.

Linda Erdreich came forward. Ms. Peterson said there were some concerns at the previous meeting regarding danger from the high voltage lines. Ms. Erdreich stated that she was here because she has a doctorate in epidemiology, which is a major public health field that studies what causes disease in the population. She said she is a scientist and has been working in this issue about human health and the environment for more than 25-years. Electric and magnetic fields are energy forces in space that occur with all electrical appliances. She pointed out in the Council Chamber a clock, things that are plugged in, microphones and many other things which produce electric and magnetic fields; the light is electromagnetic energy. Ms. Erdreich stated that the research that she believes raises peoples concern started about 30-years-ago with studies that raised questions. The scientific community became very interested and there are now well over 1,000 studies with which they can now safely make a statement; electric and magnetic fields, after low levels that occur associated with transmission lines and household appliances, have not been found to affect health in any way. There is no known health effect that has affected with long term low levels of exposure of our appliances or power lines. She commented that the reason they say that is because it is important to look at all the studies together because epidemiology studies give different information than experimental studies in animals and give different information than experimental studies on cells.

Ms. Erdreich continued by saying all studies are not the same as some are very helpful and informative and others are very ambiguous and not useful. The worldwide scientific community has convened a group of scientists to look at the studies, which means the National Institute of Health convened a group of scientists specializing in epidemiology, animals, toxicology and physiology in 1998. The World Health Organization, which is one of the most recent ones that has been in existence for about 70-years and has always done health risk assessment documents, convened a group that completed a report in 2007. A group in Great Britain, The Health Protection Agency, reviewed all the material. By reviewing all of the studies together they all have reached pretty much the same conclusion; there is no health affect known that is caused by electric and magnetic fields as far as the research supports. Ms. Erdreich said our country modeled the level of the electric and magnetic fields to make sure there were no short-term effects from electric fields. There are international standards for electric fields. She said as far as they know there are no known health effects but she does understand why people raise the question.

Mr. Rush said there is a huge misunderstanding of what an electromagnetic field is. He said, as Ms. Erdreich pointed out, we are surrounded by electric field whether sitting next to a computer, underneath a ballast on lights or near a power line. He said that everyone assumes that voltage is what drives an electromagnetic field; it is not. Amperage drives the electromagnetic field. High voltage does not mean there is high electric magnet field; it just means there is high voltage. Ms. Erdreich explained that the voltage results in the electric field and it is the amperage that results in the magnetic field. It is the magnetic field where most of the discussion about health has focused. Mr. Rush said they have been asked why they do not bury lines because there will be less exposure to electromagnetic field. He explained that in regards to the lines that generate the field; the closer one is to them the stronger the field and the further away one is the less the field. It diminishes with the square of the distance. The field is measured in milligauss; he said they are talking 5, 8 and 10 milligauss. The numbers that anyone has considered for a health issue orders a magnitude much higher than that. Mr. Rush said that is a little basic science for those that do not understand the magnetic relationship. He said if there were questions on it they would be delighted to answer them.

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Ms. Erdreich added that the fields drop off very quickly with distance. She said if one was right under the power line the field would be higher but the further the distance from the line the weaker the field gets. With this project, there is no house within 75-feet from the power lines which means the fields are decreasing rapidly. She said it did not really matter because even if they were directly under the power line there are not any known health effects particularly from the magnetic fields as that is the nature of the beast.

Ms. Dunn stated she differed with Ms. Erdreich and said she is basically in the same field. She pulled up as many studies from 2001 to 2008 as she could find because people kept saying this was a concern. She said there was no causation but there was association with several health issues. She said those had to do with hypersensitivity when there are chemical allergies, changes in brain waves, associations with leukemia in children, multiple sclerosis and so on. She said they cannot prove causation but there is an association that can be seen. Ms. Erdreich replied that a statistical association is definitely the issue that has been driving this for years; the statistical association with childhood leukemia. She said she thought some of the studies Ms. Dunn quoted are maybe isolated and problematic studies. The childhood leukemia association means that some children were picked to be cases and some volunteered to be controls. A few more cases than controls live near power lines; that is an association. An association is not causation and that is what the research has been doing for the past 30-years.

Ms. Erdreich said Ms. Dunn was quite right in that some questions were raised. There are not 1,000 studies by random as they cost money; there are 1,000 studies because questions have been raised. The question on the table is whether a statistical association says childhood leukemia. The scientific community in general really feels that although a perceived electrical hypersensitivity is real, it has not been associated with electric and magnetic fields. There has not been a real scientific study of multiple sclerosis. The real question that drove this started 30-years-ago with the statistical association with childhood leukemia. It is well acknowledged and is not denied but it is the causation issues that make them different because statistical associations can occur in poor studies and not be replicated. Scientists look at the evidence. One of the things that cost a lot of money was to do long term animal studies and because they are very well known, the World Health Organization really respects them as being important for the question of health effects in humans.

Ms. Erdreich continued by saying it was the National Institute of Health in the United States that did the first long-term animal studies; they used animals that were models of leukemia. It was so important that the United States Congress put more than \$40 million to do the studies because it is important to do long term animal studies and replicate some of the studies that raise some of the questions that people worry about. She said she had to look at the bottom line. She gave an example of a group convened for a week in Geneva to review all of the studies, to see the quality of the studies, to weigh the better studies and take into account the fact that everything that is known to be a human carcinogen can cause cancer in animals. Last week she reviewed another study where they tried to cause cancer in animals and failed. She said she gave this example to show why there are discrepancies of knowing there are studies out there that report association but why the bottom line has no known health effects that are causally related with electric and magnetic fields.

Mr. Rush stated that everything electric has a field and a magnetic field that can be measured; he suggested that if this group was of interest, they could bring a gaussometer, which is what measures volts and amps. They could do measurements in offices and next to their facilities; both distribution, which is lower voltage, and the high voltage in substations and walk them through to look at it using the practical measurement of the real numbers and what is generated out there. He said he thought they would see what they are talking about in regards to the distance criteria and it would show that the exposure to fields with their facilities, on the higher voltage end, is very minimal. Independent of all the science and everything regarding exposure, it can be shown from a practical manner that it is not an issue because of the distances that are involved.

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Ms. Erdreich stated that there is no question that the fields in the Council Chamber are not low compared to a home because of all the fluorescent lights and such. She said it would be very good for getting a perspective. Ms. Dunn commented that they are different from high power lines than they are from the things around the meeting room. Ms. Erdreich said the intensity is different. Ms. Dunn asked if the Commission felt sure enough and wanted to take the risk that it may cause effects by way of association, where a tendency may be present in an individual, and asked if it was worth it to add that much more exposure in a high population area versus putting it out west where there is not going to be that issue. She commented that she did not think it was worth the risk because no one can tell for sure as it has not been studied well enough, long enough or thoroughly enough to say that it is not going to cause health problems in Brigham City.

Ms. Erdreich said some real concerns had been raised and she would like to have RMP submit to the Commission, to put with their considerations, some facts sheets from the World Health Organization that are short and give the bottom line. Mr. Rush commented that they would submit that information and other data prior to the next meeting. He said he understood the question and the concern and that they would provide the information.

Mr. Handy commented that the request before them now is that this be approved prior to reaching all the property owners and he asked why they would want to do that. Mr. Rush replied that is the way power line acquisition is done all the time. He said in Box Elder County it is a bit of an anomaly in the way it is being approached in that they have to have permission from every property owner to apply for a conditional use permit. He said he has been doing this for 34-years and said this is a first for him. Mr. Rush continued by stating that, as a certificated utility who has to provide certain services, if they had to get the approval of every single individual for them to be able to do anything without exercising eminent domain at all times they would not be able to get there; it could not be done with roads or anything else. He said they certainly have to negotiate with the property owners and have to either purchase the property they are going to use or acquire right-of-way. They do need to get there and there is a process laid out for that whether it is the City doing something with a road or them with the utility line. Mr. Rush stated that it is not typical to have a conditional use permit for a transmission line. It is typical for substations because they are on a discreet parcel of property and the conditions may be that there needs to be a wall, landscape or some such condition. Generally it is not a condition for a power line. It is the process Brigham City has and RMP will negotiate with all the property owners, acquire right-of-way or purchase the property out right; their intention is to reach an agreement on that.

Jeff Richards, legal counsel for Rocky Mountain Power, came forward and stated that the conditional use permit they are seeking would be subject to obtaining all those rights. They could not actually exercise the rights granted under a conditional use permit until such time they actually obtained the easements either by voluntary acquisition or through condemnation. He said they recognized that would be a condition of easement and is actually what they are seeking.

Mr. Johnson added that he would like to go along with Mr. Richards comment and said the City legal counsel advised that in this situation for this application, the proper way to handle it would be to make it a condition instead of required up front. Due to the majority of the fact that RMP is an entity that has the power of eminent domain, if we held to specifically obtaining the signatures of each property owner upfront as a requirement and they had to exercise eminent domain they could take that to the Court and if they have no approval from the municipality because they do not have the required signatures, the issue could be taken to the Electric Utility Board who has the power to take the municipality out of it altogether. Some large firms the City has been contracting with have said it would be wise to make it a condition instead of requiring it upfront because of those powers that RMP holds. Mr. Handy asked for a written legal opinion on that.

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In regards to the question of whether RMP requires performing wildlife studies in the areas of their crossing. Mr. Mills explained that as part of the resource studies they looked at of wildlife habitat areas in the region and as part of looking at the U.S. Army Corps of Engineers wetland delineation work, there is also a threatened/endangered species study that will be done along the line route to identify any potential locations for threatened or endangered species. If any mitigation needs to occur along those lines, those wildlife studies will be undertaken. There was also a high level study of trying to look at wildlife habitat areas. In this particular case there is a wintering deer range. RMP has management practices in place where disturbed areas would not be used for access roads and things of that nature would be reseeded with native vegetation and brought back to the preexisting conditions.

Ms. Poelman commented that at the previous meeting there was concern voiced that the construction noise might draw mountain lions down into the properties. Mr. Mills replied that he is not a wildlife biologist but to his understanding those types of animals try to avoid noise and would probably try to go up away from the noise rather than down toward it.

Another question was regarding revegetation of areas they disturb by access roads or equipment. Mr. Rush responded that they absolutely would do that. By using the existing corridors, there is less impact as they do not have to cut new roads and such. As they looked at that, there would be quite a bit of access provided. Ms. Poelman asked if RMP could be convinced to use some of the areas that are used for trails. Brigham City has a trail plan but has not had the money and she asked if something could be left for hiking/biking trails or if they would be too close to the power lines. Mr. Rush said that was a totally compatible use. They work very closely with Weber County pathways and Ogden City trails using their power line corridors for access for trails. They just did that above Pleasant View and North Ogden. If they buy the property they can control that and rent that. He said the Mayor asked them about that and Staff has also brought that up as well. He said right-of-ways typically do not give them the right to grant that to someone else but what they would like to do is in the areas they own they could certainly use them as trailheads and he pledged to them that their attempt would be to buy the property. Their number one stated goal is to own the property underneath the line. Mr. Rush said if they can get people to sell to them, then they will absolutely grant pathways under there and help in whatever way they can. That has been very consistent along the east bench of Ogden and other areas. Ms. Poelman asked Mr. Rush to clarify what he meant by help. Mr. Rush explained that it was an absolute that they would grant access; he could commit to that. Specifically, if there is a proposal to put in trail improvements and money is needed that way, Mr. Rush said they would have some money available to do that. He said they could get a lot more specific, he said typically you're talking a minimal trail for bikes not jeeps.

Mr. Rush addressed the question of if the alternate routes proposed by the City and County had been looked at and asked if they wanted the long answer or the short answer. Ms. Peterson said she had not received a really clear feeling as to why the line had to go through Brigham City instead of somewhere else and she asked why this was the best route. Mr. Rush replied that in Brigham City, if they go to the west side, they are dealing with a variety of things such as the interstate, airport and an existing 340kV transmission line. One of their top priorities is to not be adjacent to that line. By going to the opposite side, along the existing 138 line along the bench, they avoid that. If they were to go along the west side, it becomes more and more pinched as it goes further south. There is Willard Bay, the interstate, the railroad and homes so they cannot be there without impacting a lot of homes going south of Brigham City. There is very little room there. As a utility they are trying to be prudent and minimize risk by staying away from existing 345 lines, which is the number one reason. As they go further south it would put them in very close proximity to a lot of homes through Willard and Perry once they commit to that side. They went through that entire section with the Mayors of Willard and Perry.

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Harold Dudley explained in looking at the Brigham City boundaries, they extend into the Bear River Bird Refuge to the west; to the east they extend up into the mountain range. To get down through that area it cannot avoid going through Brigham City. Further out west they are constrained by trying to cross the Great Salt Lake through engineering constraints, cost and economic constraints and environmental constraints. As they move further south, they are constrained at a pinch-point area by Willard Bay and the mountains to the east. In going on the other side of the mountains on the east into Cache County, there is not an existing linear corridor there; there is a wilderness area towards the top of the mountain range. It needs to come through this valley to get to the Ben Lomond substation. They looked at a number of alternatives to get down through this valley area; parallel the railroad, parallel the existing 345kV, and up on the bench. Anywhere in between the railroad and the bench there are existing land use constraints, existing residential and commercial and then there is the separation issue of separating the line. The system planners need to get as much line separation as possible. In this case, when land use issues are looked at, up on the bench there are very low density land uses allowed above the 138kV line. Generally zoned M-U-40 and M-U-160 are multiple use zones where 40-acres of minimum lot size are needed to even get a residential structure.

Mr. Dudley continued that in the land use plans it is less of an impact to existing and future land uses up on the bench; there are less homes that would have to be taken. Along the railroad route there are homes that abut right up against the railroad in Perry and South Willard. As they get to that constraint area, the bench route following that existing disturbed linear 138 corridor was the best option. Mr. Rush commented that they get asked if they made the decision of animals versus people. In the route they selected, coming from Ben Lomond all the way up through the Tremonton area, the number of homes that are directly impacted are less than a handful. They have been negotiating with the homeowner of a home that was under construction in Willard who was told it was in their best interest to stop. It has been their goal and one of their top priorities to avoid existing homes and to cause that kind of impact. The pinch points that are narrow and congested for them to deal with have been a real driver which goes back to what drove them in the direction they ended up in. Mr. Rush said they understood that it is an impact to those that are close to the line that is being proposed. They have done as much as they can to avoid impact on existing homes.

Ms. Poelman asked how close they will be to the homes on the bench on the south side of the canyon. Mr. Mills said he would have to go back and look at the distances but he believed there is a 300-foot distance in-between those homes and it would split the distance between the homes. In any case, the homes will never be any closer than 75-feet to the power line itself. He said as RMP is trying to construct a 90-mile line route through what is a fairly densely populated area, it is unfortunate but there will be some impacts. He said when looking at a 90-mile line route and it gets that close to maybe five homes, that is saying something for the route. Mr. Handy asked if the line would be behind or in front of those homes. Mr. Mills said it depended on exactly which homes they are looking at. As they cross Sardine Canyon and get closer to the golf course, it will parallel directly and come adjacent to the highway. For one or two of those homes it would be on the downhill side. The line will be on the south side of Highway 89 and will not be on the golf course side. Mr. Nielsen said the closest he could see it come to, on the map, is about 30th out in Perry. Mr. Rush said they have worked with Perry City; they have asked them if they could go a little higher. One of the challenges there is the wildlife management area. He said they met with those people in Salt Lake specifically to address that to see if there was some accommodation they could make, but the answer was that they could not.

Mr. Nielsen asked if it was possible that a typical home, running 110/220 volt appliances at a normal current load and was the closest home to the 345kV line that is running the typical current, would see a 10-percent or even 10,000-percent increase in the electric or magnetic fields. Mr. Rush responded that it would go back to the earlier discussion with Ms. Erdreich and answered that it would probably be a zero percent increase in actual measureable volts; measuring is more reliable than calculation. Mr. Rush explained that the secretary behind the computer at this meeting is exposed to far more

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electromagnetic field than what would be coming off of their power line. He restated his offer to take them out to measure the fields from the line, at the substation and at the homes. The contribution from that line based on distance is going to be about zero.

Ms. Poelman asked about the homes that are directly impacted and asked if RMP is making any offers to purchase their homes or if it is just those homes where the line will go through their property. Mr. Dudley stated that as they meet with individual property owners they take everything of their desires into consideration. They have designed this line to avoid as many homes as possible. These homes that have been discussed are outside of that 75-foot right-of-way but as they meet with those people the impacts and their desires are looked at. The desire of RMP is to purchase the right-of-way and own it but if the impact to that is of such a nature that they would be impacting the home owner to the point that they choose to sell their entire property to RMP, they have done that in the past and would do so in the future; at fair market value. The fair market value is determined by hiring appraisers to do general appraisals along the entire route of the line but if a particular property owner wants another appraisal for their property they look at doing those as well. If the homes are outside of the 150-feet, they do not.

Ms. Poelman asked if they were going to address the wells and the new fault line information. Mr. Rush said they would address those and bring the geotech information. He said they would talk to the City in between meetings about the wells, springs and other related issues. Mr. Mills said they would like their engineers to sit down with the Emergency Services Director and others from the City and look at the maps. They have had a number of meetings with the City and have not received specific information, at this point in time, where some of those are. They would like to bring in the engineers and have a design meeting to find out where those are. Mr. Rush asked if Mr. Johnson could help coordinate so they can get the appropriate departments to discuss the wells, springs and the other related issues.

MOTION: A motion was made by Roger Handy to close the public hearing for application #3021. The motion was seconded by Barbara Poelman and passed unanimously.

MOTION: A motion was made by Roger Handy to continue action on application #3021 until the next regular meeting so they can digest what was heard tonight and receive the other information that has been asked for. The motion was seconded by Barbara Poelman and passed unanimously.

APPLICATION #2383 / REQUEST FOR REVIEW OF CONDITIONAL USE PERMIT #2383 / 1047 WEST 600 NORTH / LLOYD MCNEELY & JOYCE WILEY:

APPLICATION #3023/ CONDITIONAL USE PERMIT – HOME OCCUPATION – BREEDING OF DOGS / 477 NORTH 300 WEST / CHRISTIAN SUTCH:

Eldon Robinson, neighbor – concerned with the noise and barking

Reese continue till june 3 second Barbara

Roll call:

Reese aye

Barbara aye

Deon aye

Roger nay

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DISCUSSION:

There was no discussion.

MOTION: A motion was made by Reese to adjourn. The motion was seconded by Paul Fowler and passed unanimously.

The meeting adjourned at 8:38 p.m.

This certifies that the regular meeting minutes of May 20, 2008 are a true and accurate copy as approved by the Planning Commission on_____.

Signed:_____

Jeffery R. Leishman, Secretary